

BOARD OF SELECTMEN
APRIL 23, 2014
REGULAR SESSION

Members Present: David Parker, Nelson Almeida, David Andrade, Gary Sagar

Michael Brady will be late.

Town Administrator: Shawn E. Cadime

Executive Assistant: Anne P. Rogers

Chairman Parker called the meeting to order at 6 p.m. followed by the Pledge of Allegiance and moment of silence.

He announced that, in accordance with M.G.L. Chapter 30, Section 20, anybody recording the meeting must notify the Chairman. The Board of Selectmen is recording the meeting both video and audio.

LICENSE HEARINGS

Consider Approval of a New All Alcohol Liquor License for RARE Hospitality International, Inc. d/b/a Longhorn Steakhouse #5518, to be located at 80 Highland Avenue, Brittany Hough, Manager

Ms. Rogers advised that this will be one of the licenses that had been approved by the State about a year ago. The license will be held until the building is completed.

Atty. Jeff Simons represented Longhorn Steakhouse. The Director of Operations and Manager were also in attendance.

The restaurant should open the second week in October 2014.

A motion was made by Mr. Sagar, seconded by Mr. Andrade, and it was unanimously

VOTED: To approve the all alcohol liquor license for RARE Hospitality International, Inc. d/b/a Longhorn Steakhouse #5518; license to be held pending signoffs from department heads.

Consider Approval of an All Alcohol Package Store Liquor License Transfer from Country Liquors, Inc., George Collias, Manager, to Winn's Liquors, Inc., to be located at 21 Brook Street, Derek Mui, Manager

Ms. Rogers advised that Mr. Collias of Country Liquors on Route 6 is selling his liquor license to Winn's Liquors.

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Atty. Stephen Navega represented Winn's Liquors. Raymond and Derek Mui were in attendance.

Mr. Almeida asked for an explanation of violations listed on the application.

Atty. Navega said there are no criminal charges against Raymond or Derek Mui. They will have a point of sale scanning system and a surveillance camera on the register. He noted that the ABCC conducts an investigation, and he was sure the application would be approved.

In response to Mr. Andrade's question, Atty. Navega said that Derek Mui was manager of the Attleboro restaurant when the violation occurred; although, he was not on the premises.

A motion was made by Mr. Sagar, seconded by Mr. Andrade, and it was unanimously

VOTED: To approve an all alcohol package store liquor license transfer from Country Liquors, Inc., George Collias, Manager, to Winn's Liquor's, Inc., Derek Mui, Manager.

PRIORITY MATTERS

Chairman Parker advised this item would be on all agendas. It is specifically so that department heads or others who have worked all day do not have to wait for a long time.

Consider Approval of Melissa Grimmer as Full time Public Dispatcher (probationary)

Communications Director Chris Campbell advised that this position has been open since prior to his arrival. Miss Grimmer was interviewed at that time. He reviewed the background information and met with her. She has prior experience in dispatch.

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

VOTED: To endorse the recommendations of the Communications Director and Town Administrator and appoint Melissa Grimmer as full time dispatcher.

Refer Zoning By-law Amendments to Section 9.2 – Wetland and Floodplain Protection District as to the Planning Board for Public Hearing, as per Section 17 of the Zoning By-laws

Mr. Andrade noted that, as part of this document, he noticed the by-law to set up a district for medical marijuana. He is not in favor of a zoning district for that. However, he was informed that without a zoning district, it could set up anywhere. The understanding is to put it as far away from schools as possible. He suggested a link, if possible, between this facility and medical facilities or university programs that would be more involved.

Mr. Sagar said the State will only license a certain amount of these facilities. He added that 61% of voters were in favor of medical marijuana.

A motion was made by Mr. Sagar, seconded by Mr. Andrade, and it was unanimously

VOTED: To refer zoning by law amendments to Section 9.2 – Wetland and Floodplain Protection Districts - to the Planning Board.

OLD BUSINESS\$

Discussion and Vote to Approve the ABC Disposal Contract Extension

Mr. Cadime advised that a presentation was made on February 12 to extend the contract that expires on June 30, 2014. He was asked to review the contract extension with Mr. Lamoureux and Kopelman & Paige. There was some discussion at the last meeting as to whether the contract should be extended. He presented a cost analysis. The total cost for curbside pick up and recycling is \$574,420.31 and the tipping fee is \$83.00 per ton. The estimated tonnage is 2,850 tons per year. The estimated tipping cost is an additional \$236,550.

He has had internal conversations and discussions with ABC in order to make sure the Board receives all pertinent information and with concerns he has had with regard to negotiations in between tipping fees. That should have been done before the Feb 12th vote. In the first year of the ten- year contract, there is a 5% escalation to cover the cost of new refuge trucks and bins. In the subsequent years, the percentage is a 2.5% increase. Total cost for pick up is \$6.7M for ten years. The tipping fee drops down to \$72 for the first year and subsequently has slight increases from 1.4% to 2.5%. There is a significant estimated savings of \$334,376.

Mr. Cadime had comparisons with other communities, although not the same service and costs. Some communities do not have a tipping fee. ABC would be agreeable to a shorter contract and a favorable nation.

He said that Chapter 30B clearly states that trash collection is exempt. Recycling, composting and transfer stations are not exempt under Section 13A and require the services to be bid out. It is his opinion and legal counsel that recycling pick up does not fall under Chapter 30B, Section 13A.

He noted that Mr. Sagar called the Inspector General's office and spoke to Atty. Liz Unger. Mr. Cadime also spoke to her. Her opinion is that since the contract was originally bid following the Chapter 30B process the Town should continue under that process. Kopelman and Paige and he disagree with that. He would recommend that Atty. Fair contact the Inspector General's office for clarification.

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In February, he would have recommended to go out to bid. Given the fact that he did the comparable analysis, he is comfortable with that. It is up to the Board to make a determination.

Chairman Parker noted that the Board had previously approved the contract and ABC purchased equipment and trucks based on that approval.

Mr. Cadime read from the motion passed on February 12, 2014. It passed 3 ayes; 1 nay, and 1 abstention.

He noted there was a change with regard to pricing. Subsequent to the bid submitted by ABC, there was a prevailing wage increase of about \$11,000. ABC has asked the Town to slit the cost. It would be \$5,500 each year for the ten years,

Mr. Sagar said the tipping fee is \$83 and will be for ten years. That could be an argument that the Town has been overcharged for years.

He complained about the additional \$5,500 per year and the fact that the recommendation of the Inspector General is being ignored. He felt this contract smells worse than rubbish. He would move to reconsider.

Mr. Andrade and Chairman Parker had questions about escalation costs.

Mr. Gerry Duggan from ABC explained that 2.5% per cent every year is cost of living increases. He had authority to waive the prevailing wage of \$5,500 as of tonight.

The reduced tipping fee has to do with the facility being built in Rochester.

Mr. Almeida noted that ABC has explained the reduction on the tipping fees and waived the \$5,500. The Town will get more service. The Town went out to bid once before and the prices were extremely high. There might be a company that is cheaper but would it be as cooperative as ABC.

Mr. Sagar said that months ago the Board was told one of the reasons ABC could do this much cheaper was because they extended the existing contract and would not have to pay prevailing wage rates. He felt it was in the best interest of the Town to go out to bid and not ignore the Inspector General's office.

Mr. Cadime said that ABC would be required to do prevailing wage. It is a state requirement.

There was no second on a motion made by Mr. Sagar to reconsider and rescind the vote taken on February 12, 2014 regarding the ABC contract. The motion failed.

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

VOTED: To direct the Town Administrator to resolve the issue with the Inspector General's office, through Kopelman & Paige.

Mr. Cadime will ask Kopelman & Paige to contact Atty. Unger at the Inspector General's office. If there are no issues, he will move forward with the contract and present to the Chairman for signature.

Mr. Duggan explained that timing is important since he has gotten 2013 pricing on equipment.

COMMUNITY SPEAKS (First Session)

Mr. David Viera announced that the Memorial Day parade would be held on May 24, 2014, at 10 a.m. beginning at the high school. Rain date is May 25th. He asked Mr. Sagar to reach out to "Pink Heels" to get them to attend (cancer awareness for women). Board members will receive a formal invitation. Marchers will stop at the Veterans Memorial Park site next to the library for a soft groundbreaking. Hopefully, the Board of Selectmen and Board of Library Trustees will attend. Transportation will be provided for Board of Selectmen who cannot walk the route.

NEW BUSINESS

Consider Reappointment of Kopelman & Paige as Legal Counsel

Mr. Cadime noted that, according to Charter, the Board is supposed to appoint legal counsel once a year. He recommended the reappointment of Kopelman & Paige.

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

VOTED: To approve the reappointment of Kopelman & Paige as legal counsel from July 1, 2014 to June 30, 2015.

Prior to the vote, Mr. Andrade asked for a list of hourly rates.

Mr. Cadime said he is very familiar with rates. Kopelman & Paige are competitive. They have helped him in the transition.

Chairman Parker said it is a large firm that represents more municipalities than any other firm in Massachusetts.

Consider Approval of Request from the National Multiple Sclerosis Society to Ride through Seekonk June 21, 2014 and June 22, 2014

Mr. Cadime advised that Chief Mace and he are in favor.

A motion was made by Mr. Sagar, seconded by Mr. Andrade, and it was unanimously

VOTED: To approve the request of the National Multiple Sclerosis Society to ride through Seekonk on June 21, and June 22, 2014.

Consider Request from Seekonk Lions Club to Waive the Sign Permit Application Fee of \$35.00 for Fishing Tournament

Chairman Parker noted that a very successful fundraiser was held at the Grist Mill. About 100 children participated. These type of organizations would be exempt from the new law as of the Fall Town Meeting.

Mr. Sagar, First Vice President of the Lions Club, said 126 children were registered. It was a beautiful day. He thanked the sponsors. The State stocked the pond with more than 200 trout, but nobody caught a fish.

A motion was made by Mr. Andrade, seconded by Chairman Parker, and it was

VOTED: 3 Aye; 1 Abstention; To waive the \$35 sign permit application fee for the Seekonk Lions Club fishing tournament.

The vote: Mr. Andrade – Aye; Chairman Parker – Aye; Mr. Almeida – Aye; Mr. Sagar - Abstained.

Consider Approval of Warrant Article for Proposed Amendments to Article 4, Section 2 and Article 6, Section 5 of the Town Charter with Respect to Appointment Procedures for Assessors, Board of Health, Conservation Commission and Planning

Tabled until Mr. Brady arrives.

Consider Approval of New Chapter 90 Funding

Mr. Cadime noted that he reported at last week's meeting that the governor had released an additional \$40M of which \$30M was to be distributed to municipalities. Based on the Chapter 90 formula, Seekonk would receive \$87,308 of additional money that needed to be spent by the end of this fiscal year - June 30, 2014. The contract has been amended to extend to September 30, 2014.

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The formula for Chapter 90 has three components – road miles 58.33%, population 20.83% and employment 20.83%.

The allocation for FY 14 road construction is \$585,320. Work will begin in June. Streets approved are Anthony Street, Allen Street, Arcade Avenue, Candleberry Court, Marlaine Drive, and Ryan Street. The Town subsequently got preliminary FY'15 money which is \$582,056. The Board will be asked to approve the recommended streets for work on those streets.

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

VOT ED: To accept \$87,308 and approve utilizing that money for repairs on Newman Avenue between Tim's Repair Shop to Read Street. Work to be done after school is out.

DPW Superintendent Robert Lamoureux advised that part of the work had been done. They had anticipated going further with funding from a few years ago, but there were difficulties with the fabric put in the road. The section in front of the library is one of the worst in Town. That road has the highest volume of traffic (almost 15,000 cars per day).

Consider Approval of Regular Session Minutes of March 26, 2014

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was

VOTED: 3 Ayes; 1 Abstention: To accept the regular session minutes of March 26, 2014.

The vote: Mr. Sagar – Aye; Mr. Almeida – Aye; Chairman Parker – Aye; Mr. Andrade – Abstained.

OTHER BUSINESS

Discuss Other Topics Not Reasonably Anticipated by the Chairman 48 Hours Before the Meeting

None. Chairman Parker advised that he would not add any items unless it was an emergency.

TOWN ADMINISTRATOR'S REPORT

Update on Banna Fire Station Project

Mr. Cadime advised a significant change order in the amount of \$50,000 was requested by Nadeau Corp. It could have been up to \$75,000 if it wasn't for the do diligence of Mr. Sagar and the Board to identify it.

The drainage system was designed to be outside the fire station. There were some code issues that needed to be reconstructed. Another issue is that Epic, the modular company, was ready to deliver the modulars to town. Unfortunately, the design plans submitted to Blount-Bennett were never received by the Building Committee due to technical problems. It was redlined because the Town's design called for clear space in the basement. Epic's design called for five columns. Mr. Cadime made it clear that he would not sign any invoices that would have columns in there. Nadeau was told to work with Epic. Subsequently, a meeting was held yesterday. Epic representatives felt the design did not show a clear space. Blount-Bennett showed the plans. Epic's opinion was that Blount-Bennett told them to minimize the columns. The Fire Chief wanted the clear space for storage. He would seek reimbursement in the amount of \$200,000 if the town had to go with that. Epic will rework the design. It will require a contract extension.

He will seek additional costs from the Town with regard to leasing the north end fire station. They can't find the performance bond given to the Town which includes payment for the subs. The first invoice paid to Nadeau shows \$27,000 for a performance bond. They signed off on change orders.

Mr. Sagar explained the drainage problem. Mr. Lamoureux got involved.

Mr. Cadime expected a response from Nadeau and Epic about the clear span within the two weeks. The town plumber will hook up the generator.

Mr. Lamoureux advised he would meet with the general contractor on Friday about the installation of the gas generator.

Mr. Sagar said that the Town has bent over backwards to move this project forward. It is his mission to get this project done right.

He said that Nadeau said the job was shut down. Nobody knew. They notified Mr. Lamoureux.

Mr. Cadime said the Town needs to be paid the \$175 for the work done by town employees.

Update on Building Commissioner

Mr. Cadime explained that the Interim Building Commissioner resigned because the hours of the job were not conducive to his schedule. There was never a written resignation. The position was advertised, interviews were held and a provisional offer of employment made to an applicant. The Building Commissioner came back and agreed to a work schedule. Since there was never a written resignation, Mr. Cadime recommended the Building Commissioner should continue in his position. He has prepared a letter for Mr. Santos's signature.

He felt they need to do an analysis of the Building Department as far as staffing.

Communications

Mr. Cadime advised that the annual contract with Code Red is \$7,781. He questioned the need to pay that since Plymouth County offers a free service for emergency 911 calls. Non-emergencies are not included.

Communications Director Chris Campbell said the current contract expires on June 30, 2016. It has a provision that it will automatically extend for five years if the Town does not provide written notification 30 days prior to the end of the contract. The contract cost of \$7,781 is for 17,500 minutes of general data base non-emergency use. It costs \$700 every time that's exceeded. The Town has exceeded that seven times in this fiscal year at a cost of \$3,500. The system was activated 16 times of which two were for legitimate emergencies. Seekonk is the first community in New England that has exceeded its general base minutes. If the Town is willing to extend the contract for an additional year, Code Red would upgrade to a totally unlimited system at the same rate. He noted that the Town could get the same system for free from Plymouth County. Mr. Campbell cautioned that the more the system is used for non-emergency purposes the more it desensitizes the public as to what is a true emergency.

Mr. Cadime recommended the Board take the matter under advisement.

Mr. Almeida asked if the fee could be shared with the School Department.

Mr. Cadime said the School Department has a system (Connect Ed.). The Town's system was used for kindergarten registration in order to reach residents who are not on the school system.

Chairman Parker suggested they maintain the Code Red. He felt it is worth it to notify residents of what is going on.

Mr. Cadime had a document from Mass Highway District Five regarding the right of way on Hope Street.

Chairman Parker would not allow Mr. Cadime to continue because it was not listed under the Town Administrator's report. He said the Board has been charged with violations of the Open Meeting Law.

Mr. Cadime felt it unfair that Board members are allowed to give updates and he is being shut off. He previously mentioned to Chairman Parker that he was going to talk about the tree issue.

Mr. Almeida noted that talk about Code Red was allowed and it also was not an agenda item.

Mr. Sagar suggested that nothing should be listed under Town Administrator's Report.

Chairman Parker agreed – no more subjects.

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Mr. Cadime said the two items listed were requested by a Board member.

Mr. Lamoureux advised that the information as far as right of ways submitted by Mass DOT actually comes from the communities.

Mr. Cadime said they need to make sure the Chapter 90 monies are not affected.

Mr. Lamoureux said he is waiting for clarification from District 5 as to how to rectify the numbers.

Mr. Cadime advised the annual report is printed and available to anyone who wants a copy. It has been on the website for two weeks.

BOARD OF SELECTMEN LIAISON AND COMMENTS

Mr. Almeida said they were supposed to have goals and objectives.

Chairman Parker said they should have been turned in at this meeting so that he could consolidate for the next agenda.

Mr. Cadime said short term goals were supposed to be submitted.

Mr. Almeida talked about a problem with panhandling.

Mr. Cadime advised that Worcester had passed an ordinance. He would research and also check with Kopelman and Paige. The police can move them along from a safety standpoint.

Mr. Sagar announced that a concert would be held at Seekonk High School on Saturday night – “Concert for Kevin” to raise money for the Kevin Hurley Scholarship fund.

Mr. Sagar asked about the status of the budget.

Mr. Cadime said he is meeting with department heads. He just received the School Department budget. There is a \$100,000 gap; that assumes that the School Department would make the recommended cuts. Also, the amount of free cash will go down from \$300,000 to \$200,000.

Mr. Sagar suggested using the big screen for a power point presentation on the warrant at Town Meeting.

Chairman Parker noted that attendees have to have a hard copy. He suggested Mr. Sagar talk to the moderator.

He requested an agenda item for the next meeting to discuss the term limits for members of the Capital Improvement Committee.

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Chairman Parker asked for an update on the dam.

Mr. Cadime said that he has all the documentation. He contacted the Director of Water & Sewer in Fall River for a list of potential funding sources. He called Nover-Armstrong to review the document originally conducted years back. The next inspection is scheduled for 2016.

With regard to the tree removal on Sagamore Road, Mr. Cadime advised it was on private property.

Mr. Cadime will talk to Atty. Fair about Open Meeting Law training in Seekonk. Surrounding communities could be invited. It is also available on line.

Mr. Andrade asked for an agenda item on a matter at 1111 Taunton Avenue. The Building Commissioner and Conservation Agent have reviewed the area. It would appear the homeowner will have to put in a culvert.

He talked about the flooding issue on the Seekonk line.

Mr. Cadime said the property is clearly in East Providence.

As per Mr. Brady's request, Mr. Cadime advised that he sent out an e-mail today with documentation on repairs to the roofs of school buildings. He tried to contact the Superintendent of Schools but she is on vacation.

COMMUNITY SPEAKS (Second Session)

None.

Consider Approval of Warrant Article for Proposed Amendments to Article 4, Section 2 and Article 6 Section 6 of the Town Charter with Respect to Appointment Procedures for Assessors, Board of Health, Conservation Commission, and Planning

Mr. Cadime noted that the Board had a work session last week with chairmen of the four boards to discuss the potential change in charter to give the Town Administrator more appointing authority. There was no opposition. There were several suggestions to modify the language where it would say the Town Administrator would recommend to these boards and they would take it under advisement. There was also conversation about changing the vote to overrule the recommendation of the Town Administrator by a super majority. It was referred back to this meeting.

Mr. Sagar wanted to include a centralized building committee on the moderator appointments.

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There is one more meeting prior to the closing of the warrant. Mr. Sagar wanted to see a menu form go forward to Town Meeting including language that Mr. Cadime and Mr. Brady came up with as well as his language with regard to the super majority vote. It makes the standard a little higher to reject the Town Administrator's recommendation and puts more authority into the hands of the Town Administrator.

Mr. Almeida suggested the Town Administrator should prepare evaluation forms on a weekly basis and use the information at the end of a three-year contract to recommend or not the reappointment of a department head.

He noted that certain individuals like to refer to a former town administrator, Mr. Keegan, yet he was the one responsible for unionizing department heads.

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

VOTED: That the Town Administrator write a warrant article to change the language from majority to super majority.

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

VOTED: That the Town Administrator write a warrant article with various options to change the language that the Town Administrator would have the appointing recommendation to the Board/Boards.

EXECUTIVE SESSION

At 8:52 p.m. Mr. Andrade motioned, seconded by Mr. Almeida, to go into Executive Session for (A) an update and continued discussion on the senior center, (b) continued discussion on real estate negotiations for senior center per M.G.L. Chapter 30A, Section 21(6), 442 Taunton Avenue, (C) update on the status of grievance filed by the call firefighters union, (D) update on open litigation cases with Kopelman & Paige, and (E) consider approval of executive session minutes of March 26, 2014; to return to Open Session, if needed.

The vote: Mr. Andrade – Aye; Mr. Almeida – Aye; Mr. Sagar – Aye; Chairman Parker – Aye.

Respectfully submitted,

David Andrade, Clerk

Patricia Gamer, Secretary

